

**Wu, Jennifer**

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**From:** Wu, Jennifer  
**Sent:** Tuesday, April 04, 2017 8:46 AM  
**To:** 'Cappellini, Malenna'  
**Cc:** Gale, William; Travis Collier  
**Subject:** RE: Question on new or expanded activities

Hi Malenna, let's pencil in April 25 for a visit to the hatchery. If it's all right with you, Amanda Miller from my unit was also interested in coming out. She and I are both new to the NPDES Permits Unit, and she's the new Washington Hatchery GP permit writer taking over for Catherine Gockel. If that's an issue, feel free to let me know. She and I are looking to visit a few hatcheries so we have a better understanding of how different facilities operate.

I'm out of the office next week, but when I get back, I can let you know if there are certain things that we're particularly interested in. Feel free to let me know if you'd like to talk about certain issues, and I can do some prep work ahead of time. We also have photos from the tour you gave to Jill Nogi and Breean last year, so I'll try to get familiar with those too. Also, if May is a better month for you, that's perfectly fine for me. - Jenny

**From:** Cappellini, Malenna [mailto:malenna\_cappellini@fws.gov]  
**Sent:** Monday, April 03, 2017 11:09 AM  
**To:** Wu, Jennifer <Wu.Jennifer@epa.gov>  
**Cc:** Gale, William <william\_gale@fws.gov>; Travis Collier <travis\_collier@fws.gov>  
**Subject:** Re: Question on new or expanded activities

**I think it would be great if you came out and visited. My time in April is very limited. Right now the best days for me are April 17th through 20th or the 25th and 26th. April 13th is a possibility but that is the day there is the hearing on the litigation and I would have to be on call in case the solicitors have a question. If none of those days work for you then I can make arrangements for Bill and/or Travis to cover for me.**

On Mon, Apr 3, 2017 at 10:59 AM, Wu, Jennifer <[Wu.Jennifer@epa.gov](mailto:Wu.Jennifer@epa.gov)> wrote:

Thanks, Malenna. It's helpful to get your preliminary thoughts on the new or expanded activities as well as the concerns on the background conditions being inaccurate. I appreciate the quick turnaround. We'll be sure to keep you in the loop on the progress.

Also, seeing that I'll be finalizing the permit at some point hopefully soon, I should probably visit you all at the hatchery, perhaps in the next few weeks if that's convenient for you.

Thanks again for the quick response. - Jenny

**From:** Cappellini, Malenna [mailto:[malenna\\_cappellini@fws.gov](mailto:malenna_cappellini@fws.gov)]  
**Sent:** Monday, April 03, 2017 10:54 AM  
**To:** Wu, Jennifer <[Wu.Jennifer@epa.gov](mailto:Wu.Jennifer@epa.gov)>  
**Cc:** Gale, William <[william\\_gale@fws.gov](mailto:william_gale@fws.gov)>  
**Subject:** Re: Question on new or expanded activities

From my quick review, I do not think that there have been new or expanded activities at Leavenworth that meet the criteria above since the 2008 Tier II AKART. Any new physical or operations changes since 2008 would have reduced the potential for pollution not increased it. However, I also don't believe that the 2008 analysis was a true representation of the background water quality conditions in Icicle Creek or the potential effects of the hatchery (actually attributable to the hatchery alone) on those conditions at that time and certainly not today.

On Mon, Apr 3, 2017 at 9:37 AM, Wu, Jennifer <[Wu.Jennifer@epa.gov](mailto:Wu.Jennifer@epa.gov)> wrote:

Hi Malenna (cc: to Bill),

Along with working on finishing ESA consultation with NOAA, I'm also working with Ecology to get their 401 certification. As you probably both know, one of the parts of the 401 certification is the anti-degradation analysis. I've read the hatchery's Tier II analysis from April 30, 2008 and am exploring different options with Breean at Ecology on anti-degradation.

For one of the options, a question we're grappling with is whether there have been new or expanded activities from the hatchery since the 2008 Tier II analysis. In Ecology's September 2011 Water Quality Program Guidance Manual on Tier II antidegradation analyses

(<https://fortress.wa.gov/ecy/publications/documents/1110073.pdf>), they define a Tier II analysis needed for new or expanded actions as the following:

## B. New or expanded actions

Only new or expanded actions are potentially eligible for a Tier II analysis. “*New*” means facilities that are just being built or actions first initiated. “*Expanded*” means:

- A physical expansion of the facility (production or wastewater system expansions with a potential to allow an increase the volume of wastewater or the amount of pollution) or activity.
- An increase (either monthly average or annual average) to an existing permitted concentration or permitted effluent mass limit (loading) to a water body greater than 10%.
- The act of re-rating the capacity of an existing plant greater than 10%.

We’re analyzing this on our own, but I was interested in getting your thoughts on whether the hatchery had new or expanded actions as defined above. Also, if this is more complicated (as I’m sure it could be), Breean and I thought it would be good for EPA, Ecology, and the Hatchery to talk in the next couple of weeks. Ecology and EPA are talking tomorrow on anti-degradation, so any information you have beforehand would be great. But given that I’m just sending this message out today, I understand if you’re not able to answer this before tomorrow.

If you have questions, please feel free to let me know. Thanks for your help.

Jenny Wu

USEPA Region 10

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